

## **Chapter 2.04**

### **CITY COUNCIL**

#### **Sections:**

**2.04.010 Rules of the Council.**

**2.04.020 Public Hearings.**

**2.04.030 Vote Required.**

#### **2.04.010 Rules of the Council.**

The City Council shall be governed by the following rules related to its organization, election of its officers, duties of its chair, procedure, decorum and debate. The rules for parliamentary procedure comprised in Robert's Rules of Order, newly revised, shall govern the City Council in all cases to which they are applicable, and in which they are not otherwise inconsistent with the standing rules of the council hereinafter set forth in this section.

### **ORGANIZATION OF THE COUNCIL**

**Rule 1-1. Organizational Meeting and Regular Meetings.** On the second Monday following each general city election, the council shall meet for the purpose of administering the oath of office to its new members, electing its officers, and carrying out its assigned duties. Thereafter, the council shall hold one regular meeting on Monday of each week except when the same shall fall on a legal holiday, in which case the regular meeting shall be held on the Tuesday following said legal holiday. Each meeting shall convene at the time and place prescribed by public notice posted by the City Clerk.

**Rule 1-2. Special Meetings.** Special meetings of the Council as provided by the charter may be called from time to time by the Mayor or any two members of the Council. The time and place of any special meeting shall be communicated to the office of the City Clerk at least twenty-four hours prior to such meeting. The City Clerk shall immediately thereafter post public notice of such special meeting on the official bulletin board.

**Rule 1-3. Council Policy Meetings and Briefing Sessions.** Council policy meetings and briefing sessions may be called from time to time by the Mayor, the Council Chair, or any two members of the Council. The time and place of any Council policy meeting or briefing session shall be communicated to the office of the City Clerk at least twenty-four hours prior to such meeting. The City Clerk shall provide notice of all Council policy meetings and briefing sessions in the manner as provided in Rule 3-24 hereof. Such meetings shall, unless closed as hereinafter provided, be open to the public, but no member of the public shall be entitled to address the Council at such meetings except by invitation of the Council. Those rules of Council decorum, debate, and procedure hereinafter set forth as Rules 3-1 through 3-28, inclusive, shall not be enforced at such meetings or briefing sessions. The Chair shall preside over all meetings or

briefing sessions and be responsible for assuring that discussion and questioning by Council members is conducted in a fair and orderly manner, within the time set aside therefor.

**Rule 1-4. Election of Chair and Vice-chair; Terms; and Removal from Office.** At the first meeting of each session held on the second Monday following each general city election, the first order of business shall be the election of a Chair and Vice-chair. The terms of the Chair and Vice-chair shall be for annual terms, terminating in May of each year, provided that either or both the Chair and Vice-chair may be re-elected for as many consecutive annual terms as Council may deem appropriate; and provided, further, the Chair may be removed from office at any time upon a motion adopted by a majority vote of no less than four members of the Council. The meeting shall be called to order by the Mayor who shall act as temporary Chair without a vote for the purpose of receiving nominations from members of the Council for the office of Chair.

Any member of the Council may submit the name of one member of the Council as a nominee for the office of Chair. Recognition by the Mayor is not necessary for the purpose of making a nomination. No second shall be necessary. After a nomination is received, the Mayor shall state the name of the nominee and shall then ask if there are any further nominations. If there is no response, the Mayor shall declare that the nominations for the office of Chair are closed without waiting for a motion to that effect.

After nominations have been closed, voting for the office of Chair will take place by roll call vote. On each call of the roll necessary to elect a Chair, each member of the Council shall be entitled to vote for one nominee. The nominee who shall receive four or more votes shall be elected Chair. The clerk shall call the roll and record the vote as many times as is necessary to elect a Chair. The Mayor acting as temporary Chair shall recognize any member of the Council desiring to be heard at the conclusion of any roll call vote when no nominee has received a sufficient number of votes to be elected Chair.

Upon the election of a Chair, the Mayor shall forthwith surrender the gavel to him or her.

The Council shall immediately proceed with the election of a Vice-chair. The Chair shall call for nominations for the office of Vice-chair and the Council shall elect a Vice-chair following a procedure identical to that prescribed above for the election of a Chair. The term of the Vice-chair shall be the same as that of the Chair and the procedure for removal from office shall also be the same.

Nothing in these rules shall be construed to prohibit any nominee from voting for themselves or to prohibit any nominee from voluntarily withdrawing his or her name from consideration at any time during the proceedings for the election of a Chair.

**Rule 1-5. Filling a Vacancy in the Office of Chair.** In the event there shall be a vacancy in the office of Chair, the Vice-chair shall automatically become Chair of the Council for the unexpired term unless sooner removed. The Council shall then proceed to elect a new Vice-chair for the unexpired term following the procedure prescribed in Rule 1-4 above.

**Rule 1-6. Filling a Vacancy on the Council.** Whenever a vacancy shall occur on the City Council, the remaining members of the Council shall elect by an affirmative vote of at least four members, a person having the qualifications for the office of Council member to fill the vacancy until a successor has been duly elected and qualified as provided by the City Charter.

The procedure for the election by the Council of a person to fill a vacancy on the Council until a successor has been duly elected and qualified shall be as follows:

(a) Within fifteen days after the vacancy has occurred, the Council shall meet and elect a person to fill the vacancy on the Council.

(b) The Chair shall call for nominations from the Council of persons to fill such vacancy and each member of the Council may nominate only one person otherwise qualified to be a member of the Council. A second shall be required to the name of each person placed in nomination before that person shall be nominated and recognized by the Chair as a nominee. The Chair shall permit nominating and seconding speeches not to exceed five minutes each in duration. When each Council member has submitted one name in nomination or when it otherwise appears that no other member wishes to submit a name in nomination, the Chair shall declare that nominations are closed, without waiting for a motion to that effect.

(c) After nominations have been closed, voting for the office of Council member to fill the vacancy on the Council shall take place by roll call vote. The nominee who shall receive four votes on any roll call shall be elected to the office of member of the City Council to fill the vacancy thereon until a successor has been duly elected and qualified as provided by the city charter. Repeated roll call votes shall be conducted until a nominee has been elected. The Chair shall recognize any member of the Council desiring to be heard at the conclusion of any roll call vote where there has been no election of a nominee.

(d) At any time after five unsuccessful roll call votes, the Chair may entertain or call for a motion to reopen nominations. Upon the adoption of such a motion, the Chair shall receive and acknowledge additional nominations in the manner prescribed by subparagraph (b) of this rule, with each Council member being limited to submit only one additional name in nomination. After the reopened nominations have been closed, voting shall proceed in the manner prescribed in subparagraph (c) of this section.

(e) The procedure provided in subparagraph (d) of this rule for the reopening of nominations may be invoked at any time there shall be five or more unsuccessful roll call votes after the closing of original or any reopened nominations.

(f) Any person nominated at any time during proceedings pursuant to this rule shall remain a nominee throughout such proceedings until the Council member to fill the vacancy shall have been elected.

## **DUTIES OF THE CHAIR OF THE COUNCIL**

**Rule 2-1. Principal Duties.** The principal duties of the Chair of the Council under parliamentary law are as follows:

(a) To open each meeting of the Council at the appointed time by calling the meeting to order after having ascertained that a quorum is present.

(b) To direct the clerk to announce in proper sequence the business that is to come before the Council in accordance with the agenda and the existing orders of the day.

(c) To recognize members of the Council who are entitled to the floor.

(d) To state and put to a vote all questions that legitimately come before the Council as ordinances, resolutions, or motions, or that otherwise arise in the course of proceedings and to announce the result of each vote; or, if an ordinance, motion, or resolution that is not in order is made, to rule it out of order.

(e) To protect meetings of the Council from obviously frivolous or dilatory motions by refusing to recognize them.

(f) To enforce the rules relating to debate and to order and decorum within any place at which a regular or special meeting of the Council is held.

(g) To expedite business of the Council in every way compatible with the right of its members and the public.

(h) To decide upon all questions of order, subject to appeal to the full Council for final decision of such a question. Any appeal of a decision of the Chair upon a question of order shall be immediately presented and voted upon by the full Council. In such event a majority vote of the members present shall determine such question of order.

(i) To respond to inquiries of members of the Council relating to parliamentary procedure or factual information bearing upon the business of the Council.

(j) To authenticate by his or her signature, when necessary, all acts, orders, and proceedings of the Council. To declare a meeting adjourned at any time a majority of the Council so votes, or at the time prescribed in the agenda for a meeting of the Council or at any time in the event of sudden emergency affecting the safety of persons present.

**Rule 2-2. Documents in Possession of Chair.** At each meeting of the Council, in addition to the necessary papers proper to the business of that meeting, the Chair shall have at hand the following documents:

(a) A copy of the Council bylaws and rules of procedure as set forth in Chapter 2.04 of the Lincoln Municipal Code.

(b) A copy of Roberts Rules of Order, Newly Revised.

(c) A list of all standing and special committees of the Council and the membership thereof.

The Chair shall stand while calling a meeting to order. It shall not be necessary for the Chair to stand while putting a question to a vote, while explaining his or her reasons for ruling on a point of order, or when speaking during debate on an appeal of a point of order which has been submitted to the full Council for decision.

**Rule 2-3. Rights of Chair to Vote and Debate.** The Chair of the Council shall possess all of the rights, duties and responsibilities of a member of the Council and shall be entitled to vote on any matter brought before the Council, notwithstanding the fact that he or she shall be serving as Chair. The Chair shall be entitled to fully participate in the discussion or debate on any matter before the Council; provided, that in order to preserve the rules of the Council relating to decorum and debate, the Vice-chair shall preside over the meeting during those times in which the Chair shall be engaged in such discussion or debate.

## **RULES OF COUNCIL DECORUM, DEBATE AND PROCEDURE**

**Rule 3-1. Right to Speak to the Same Question.** No member of the Council shall speak more than once to the same question, without leave of the Chair, unless he or she be the mover, introducer or proposer of the matter pending, in which case he or she shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.

**Rule 3-2. Attendance and Decorum While a Question is Called.** While the Chair is putting any question, or addressing the Council, no member shall walk out of, or across the Council chamber; nor, in such case, or when a member is speaking, shall another member entertain private discourse.

**Rule 3-3. Vote of a Member Mandatory; Exception.** Every member of the Council who shall be present when a question is put, shall give his or her vote, unless such member has a conflict of interest on the pending question precluding him or her from voting thereon.

**Rule 3-4. Stating of Motions.** When a motion is made and seconded, it shall be stated by the Chair or, being in writing, it shall be read aloud by the clerk before debate.

**Rule 3-5. Written Motions.** Every motion shall be reduced to writing, if the Chair or any member desires it.

**Rule 3-6. Withdrawal of a Motion.** After a motion is stated by the Chair, or read by the clerk, it shall be deemed to be in possession of the Council, but may be withdrawn by the mover at any time before a decision or amendment.

**Rule 3-7. Precedence of Motions During Debate.** When a question is under debate, no motion shall be received except a motion to adjourn, motion to lay on the table, motion to call the question to a vote, motion to postpone to a day certain, motion to postpone indefinitely, motion to commit, or motion to amend, which several motions shall have precedence in the order in which they are named in this rule.

**Rule 3-8. Motion to Adjourn and Motion to Lay on the Table Not Debatable.** A motion to adjourn and a motion to fix the day to which the Council shall adjourn shall always be in order; and these motions and a motion to lay on the table shall be decided without debate.

**Rule 3-9. Motion to Call the Question; Procedure.** Upon a motion to call the question to a vote and a second thereof, the Chair shall state: "Shall the main question be put to a vote now?" There shall be no debate upon such motion and the clerk shall immediately call the roll of the Council. If the motion is adopted, it shall end all debate on the main question and bring the Council to a direct vote upon any pending amendments, and then upon the main question.

**Rule 3-10. Division of a Question.** Any member may call for a division of a question, which shall be divided if the subject motion contains several parts, each of which is capable of standing as a complete proposition if the others are removed.

**Rule 3-11. Amendment Must be Germane to Subject Under Consideration; Annexation of Other Matter Prohibited.** No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith any other bill or resolution pending before the Council.

**Rule 3-12. Motion to Reconsider; Procedure.** When a motion has once been made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof on the same or next succeeding regular meeting of the Council, and such motion shall take precedence over all other matters, except a motion to adjourn.

If a motion to reconsider is made at the next succeeding regular meeting and notice of the intention to move for reconsideration has not been included on the agenda for such meeting, final action on the reconsidered item shall be delayed until the next regular meeting or until such other time as may be determined by majority vote of the Council.

**Rule 3-13. Compelling Attendance of Absent Member.** Any two members may compel the attendance of any member who is absent from the Council chamber.

**Rule 3-14. Compelling a Roll Call Vote.** Any one member may compel the clerk to call a roll vote on any matter before the Council for decision, when the Chair has not requested such vote.

**Rule 3-15. Rotation of Roll Call Vote.** In the taking of yeas and nays on roll call votes, the clerk shall at the beginning of each meeting rotate the order in which the names of members of the Council are called by taking the name at the top of the order at the next preceding meeting and placing it at the bottom of the order.

**Rule 3-16. Name of Introducer to be Entered Upon Minutes.** In all cases where a resolution or motion shall be entered on the minutes of the Council, the name of the member moving or introducing the same shall also be entered.

**Rule 3-17. Sergeant at Arms.** The Chief of Police, or an officer designated by him, shall be ex officio sergeant at arms, whose duties it shall be to attend the Council during each of its meetings, and to execute the commands of the Council relating to the service of all process issued by authority of the Council, as shall be directed by the Chair of the Council.

**Rule 3-18. Reporting by Boards, Commissions and Committees.** Any advisory board, commission or committee established pursuant to the provisions of Article IV, Section 25 of the City Charter shall have leave to report to the Council by bill or otherwise, and shall in all cases report in writing the state of facts, and their recommendations relating thereto.

**Rule 3-19. Ordinance Bills; Required Readings; Exception.** Every bill proposed as an ordinance shall be read by title on three different days, unless the Council shall dispense with this rule by a vote of at least two-thirds of its members. The requirement that ordinances of a general or permanent nature be fully and distinctly read is dispensed with as authorized by Article V, Section 3 of the Charter.

**Rule 3-20. Ordinance Bills; Legislative Process; Public Hearings; Exception.** The first reading of a bill proposed as an ordinance shall be for information; and if opposition be made to it, the following question shall be put by the Chair: "Shall the bill be rejected?" If no opposition be made, or if the question to reject be defeated, the bill shall proceed to second reading and public hearing at the next

regular meeting of the Council. If opposition be made to it after second reading and public hearing, the Chair shall then state the same question calling for rejection of the bill. If no opposition shall then be made or if the question to reject shall be defeated, the bill shall then proceed to third reading and final consideration at the next regular meeting of the Council. The Council may dispense with this rule by a vote of at least two-thirds of its members.

**Rule 3-21. Each Ordinance and Resolution Copied Into Council Record.** Every bill passed as an ordinance and every resolution adopted shall be copied in full in the Council record, and each ordinance shall be certified to by the clerk.

**Rule 3-22. Bill Processing Dates Noted by Clerk.** The clerk shall note on each bill the dates of the first, second and third readings, passage, approval by the Mayor and publication.

**Rule 3-23. Assignment of Numbers to Bills and Ordinances.** All bills proposed as ordinances shall be numbered by the clerk by indicating the calendar year and sequential order of their introduction in such year. All ordinances adopted by the Council shall be numbered by the clerk in the order in which they are passed. The clerk shall also maintain a permanent record of all bills proposed as ordinances which shall fail to pass.

**Rule 3-24. Formal Agenda; Preparation, Matters Not on Agenda Prohibited During Public Hearing; Notice.** All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the Council shall be submitted to the City Clerk no less than ninety-six hours prior to the time for commencement of each regular meeting of the Council, whereupon the Clerk shall prepare a meeting notice together with a formal agenda of such matters to come before the Council as its regular business for such meeting. The Clerk shall furnish each member of the Council, the Mayor, and director of each department with a copy of such formal agenda prior to the Council meeting and as far in advance of the meeting as time for preparation will permit. Any member of the Council may place any matter on the formal agenda of the Council in accordance with the requirements of this rule. No member of the Council may bring before the Council at its public hearing any matter not otherwise properly placed upon the formal agenda of the Council as provided by this rule. Except for items of an emergency nature, the agenda shall not be altered later than (a) twenty-four hours before the scheduled commencement of the meeting, or (b) forty-eight hours before the scheduled commencement of a meeting scheduled outside the corporate limits of the city. The Council shall have the right to modify the agenda to include items of an emergency nature only at such public meeting. The Clerk shall cause the meeting notice and formal agenda to be posted on the official bulletin board. The City Clerk or other designee of the City Council shall maintain a list of the news media requesting notification of meetings, and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting, and the subjects to be discussed at that meeting.

**Rule 3-25. Order of Business Changed Only by Two-thirds Majority.** The order of business of the Council as established by its formal agenda and the standing rules of Section 2.04.010, shall not be postponed or changed, except by a vote of at least two-thirds of its members.

**Rule 3-26. Two-thirds Vote Required for Rescission, Amendment or Suspension of Rules.** None of the foregoing rules of decorum, debate and procedure shall be rescinded, amended or suspended, except by a vote of at least two-thirds of its members.

**Rule 3-27. Written Communications to Council.** Any person may direct a written communication to the City Council on any matter concerning the city's business by directing the communication to the City Council through the City Clerk. Any such written communication shall be placed on the agenda of the next regular Council meeting under the order of business entitled: "Petitions and Communications."

**Rule 3-28. Dissent or Protest of a Member Entered Into Minutes.** Any member of the Council shall have the right to have the reasons for his or her dissent from or protest against any action of the Council entered in the minutes.

**Rule 3-29. Meetings; Closed Sessions.** The City Council may hold a closed session as provided by, and in accordance with the procedures set forth in, Neb. Rev. Stat. § 84-1408 et seq. as the same now exists or as such statutes may be amended from time to time. (Ord. 17182 §1; May 5, 1997: prior Ord. 15377 §1; January 8, 1990: P.C. §1.24.011: Ord. 13888 §1; July 9, 1984: Ord. 13773 §1; February 27, 1984: Ord. 11534 §1; December 8, 1975: Ord. 11410 §1; July 14, 1975: Ord. 11050 §1; March 25, 1974).

#### **2.04.020 Public Hearings.**

No person shall be permitted to address the City Council for longer than five minutes, except by consent of all of the council; provided, this limitation shall not apply to proceedings before the council requiring the taking of testimony under oath. The City Council shall have the right to limit or exclude the presentation of information or testimony which is irrelevant or redundant.

The audible use of any mobile, portable, or wireless communication device, other than those authorized by the City Council or used by law enforcement personnel on duty, is prohibited in any meeting of the City Council. (Ord. 17579 § 1; November 15, 1999: prior Ord. 17182 §2; May 5 1997: Ord. 15377 §2; January 8, 1990: P.C. §1.24.020: Ord. 3489 §27-302, as amended by Ord. 4019; May 21, 1945).

#### **2.04.030 Vote Required.**

If due to the absence of one or more of the members of the City Council, any motion, resolution, ordinance or other question put to a vote shall fail to receive four or more votes either for or against said motion, resolution, ordinance or question shall be deemed to have received neither approval nor disapproval and shall, without further order of the City Council, be continued from regular meeting to regular meeting and voted upon once at each such meeting until such time as it shall receive four votes either for or against. (Ord. 15377 §3; January 8, 1990: P.C. §1.24.030: Ord. 3489 §27-303, as amended by Ord. 6283, February 20, 1956).